

Notice of Allowability

Application No.

10/761,668

Examiner

Stephen L. Blau

Applicant(s)

WHITE ET AL.

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/2/06.
2. ☒ The allowed claim(s) is/are 1-3, 5, 6, 8-10, 13 and 14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Adam H. Jacobs (Reg. No. 37,852) on 2 October 2006.

2. The application has been amended as follows:

a. In claim 1 line 1 the word "system" has been replaced by the word
-- method --.

b. In claim 2 line 1 the word "system" has been replaced by the word
-- method --.

c. In claim 3 line 1 the word "system" has been replaced by the word
-- method --.

d. In claim 5 line 1 the word "system" has been replaced by the word
-- method --.

e. In claim 6 line 1 the word "system" has been replaced by the word

-- method --.

f. In claim 8 line 1 the word "system" has been replaced by the word

-- method --.

g. In claim 9 line 1 the word "system" has been replaced by the word

-- method --.

h. In claim 10 line 1 the word "system" has been replaced by the word

-- method --.

i. In claim 13 line 1 the word "system" has been replaced by the word

-- method --.

j. In claim 14 line 1 the word "system" has been replaced by the word

-- method --.

Response to Amendment

3. Correcting the claim numbers is agreed with.

4. Deleting the paragraphs in the specification is agreed with and the objections under 35 U.S.C. 132(a) are removed.

5. Reinstatement of the original chart #2 in the appendix is agreed with and the objection under 35 U.S.C. 132(a) is removed. Since the new chart #2 dated 14 October 2005 was never approved the original chart #2 has always remained in the case.

Specification

6. The change to the specification is agreed with and the objection under rule 1.71 Title 37 C.F.R. is removed.

Claim Rejections - 35 USC § 112

7. Canceling claim 4 and the change to the specification is agreed with and the rejections under 35 U.S.C. 112, first paragraph, are removed.

Specification

8. New figure 5 is agreed with and the appendix sheet of the same pictures is deleted.

Allowable Subject Matter

9. Claims 1-3, 5-6, 8-10 and 13-14 are allowed. None of the prior art discloses or renders as obvious a fitting method with steps of measuring the grip strength of a player's hand and selecting a club having a specific dead weight based on the measure grip strength of the player's hand in addition to the other elements of structure claimed.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Blau whose telephone number is (571) 272-4406. The examiner can normally be reached on Mon - Fri 10:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SLB/ 2 October 2006


STEPHEN BLAU
PRIMARY EXAMINER

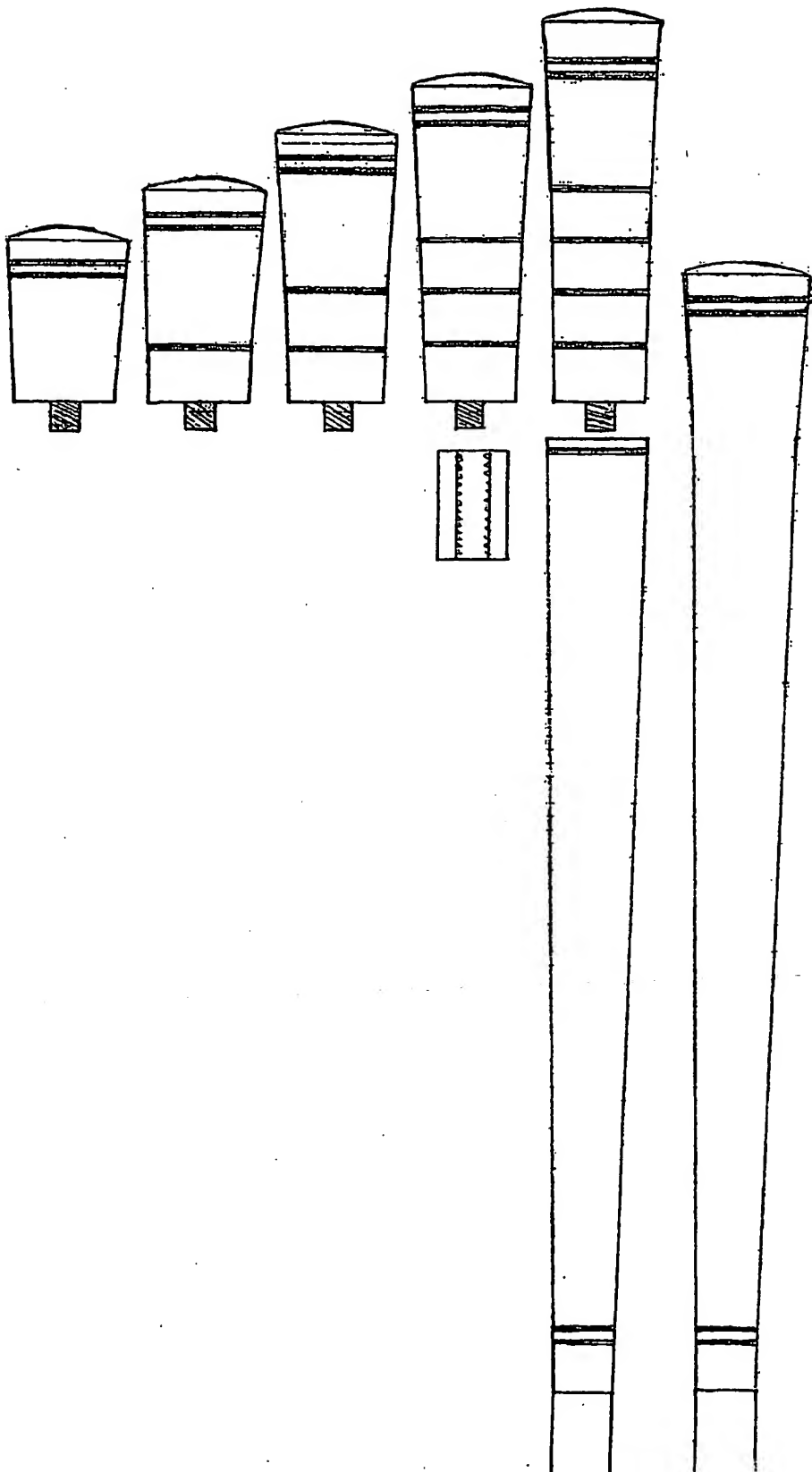


Fig. 5

New Figure

Approved *Blane* 10/4/06